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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Dennis Tyson, individually and on behalf of others
similarly situated,

Plaintiff,

-against-

Flextronic Inc.,

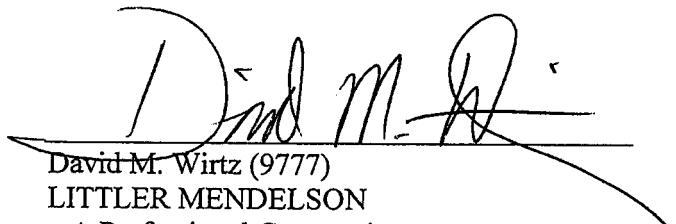
Defendant.

Case No. 08 Civ. 4219 (WCC)

NOTICE OF MOTION PURSUANT TO
FRCP RULE 12

PLEASE TAKE NOTE THAT, upon the annexed Affidavit of Stacey Goode, dated July 2, 2008, the Affirmation of David M. Wirtz, dated July 2, 2008, and the pleadings herein, Defendant Flextronics America, LLC will move this Court, before the Honorable William C. Conner at the United States District Court for the Southern District of New York, 300 Quarropas Street, White Plains, NY 10601-4150, at a date and time to be set by the Court for an order pursuant to Federal Rule of Civil Procedure 12(b)(1) dismissing the Complaint on the grounds that Defendant offered Plaintiff full relief on his Fair Labor Standards Act claim, that his Fair Labor Standards Act claim is moot, and that, consequently, the Court does not have subject matter jurisdiction over the claim.

Date: July 2, 2008
New York, New York



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